



ADVISORY BOARD MEETING

17 March 2020, via videoconference

CONCLUSIONS

Participants

Advisory Board representatives: Ms Rosa Caggiano (MEDAC), Mr José Beltrán (PELAC), Mr Alexandre Rodríguez (LDAC), Mr Esben Sverdrup-Jensen (BSAC), Mr Daniel Voces (MAC), Mr Kenn Skau Fischer (NSAC), Mr Sean O'Donoghue (NWWAC), Ms Cecile Fouquet (AAC) and Mr Daniel Buhai (BISAC).

European Fisheries Control Agency (EFCA): Mr Pascal Savouret (ED), Mr Pedro Galache (HoU 3), Mr Mario Lopes Santos (HoU2), Ms Patricia Sánchez Abeal (HoS P&C).

0. Approval of the Agenda

After the technical test, the meeting was opened by the ED welcoming the Advisory Board representatives.

The participants were reminded of the conflict of interest and data protection rules.

The draft agenda was presented by the ED.

The agenda was approved.

1. Introduction and state of play: Advisory Councils (ACs) state of play

The ED gave the floor to the ACs representatives to present their activities since the last Advisory Board meeting, highlighting any issue relating to inspection and control that might be of their knowledge.

The BSAC representative took the floor and informed that the planned seminar on the future of the Common Fisheries Policy (CFP) to take place in Copenhagen was cancelled and the process had been put on hold.

In relation to fisheries control he raised the concern from the industry on the misreporting of sprat and herring fisheries. He was aware that it had been addressed by the national authorities and EFCA. Regarding the ban of the cod fisheries and the complications of by catch quota, he asked if EFCA was consulted by the Member States.

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The HoU2 replied to the issue of misreporting of herring and sprat is considered a priority under the Baltic Sea (BS) joint deployment plan (JDP) and that EFCA had planned to start a specific action in this respect. A common protocol for sampling procedures was jointly developed between EFCA and MS and should be deployed for related inspections. On the issue of the ban of the cod fisheries, he acknowledged its JDP primordial importance and informed that a meeting took place with the BALTFISH group for a harmonised approach. Since the regulation covered the quota uptake, the question that arose was what happened if by-catch quota is reached, and if other fisheries likely to fish for cod (e.g. flounder, plaice) should be also closed. This issue is also a priority under the BS JDP, and EFCA and MS are following closely the way by-catch is being used.

The BSAC representative also informed that they were planning to have a meeting in Vigo of the Executive Committee in the autumn.

The NSAC representative explained that COVID-19 impacted its activities. He reported that they had some minor issues on the cooperation with the Scheveningen group on the discard plan. Plaice has been eliminated from the discard plan in 2021. He also remarked that the current revision of the Control regulation describes a one solutions fits all, which creates some problems for them. He also inquired about the situation after Brexit.

The HoU2 informed EFCA was collaborating operationally with UK until the end of the year, waiting for the conclusion of a possible agreement and its implementation modalities.

The NWWAC representative informed that due to COVID-19, they had to cancel their executive meeting in Madrid. He also stated the AC was very active on the discard ban and that the NWWAC hoped to finalise the recommendations soon. On the control front, they had been active in the European Commission proposal and sent their recommendations to the Commission, the European Parliament and Member States. He also asked EFCA if they could have access to the evaluation of compliance with the Landing Obligation (LO) for North Western Waters. They will have their workshop on the LO on 6 July.

The HoU2 explained that EFCA is cooperating with the Control Expert Groups (CEG) in the framework of the implementation of the LO and stressed that EFCA is always in favour of the dialogue between Member States, ACs and EFCA. He also said it was still premature to decide on the participation of the workshop of 6 July. EFCA confirmed that an executive summary of the compliance evaluation report was published as requested by the NWW High Level Group. EFCA is willing to organise a joint workshop with the NWW AC and other stakeholders in support of the NWW CEG, to discuss in more depth the results of this compliance evaluation and possible ways of improving compliance.

The MEDAC representative said they organised their last meetings at the end of February and discussed the GFCM recommendations on the Strait of Sicily. She highlighted their interest in the EFCA activities in the scope of the GFCM pilot projects, including promoting cooperation with Third Countries. She informed they had sent a letter to the European Commissioner about the situation and activities of the Egyptian fleet, which is increasing without control in the fishing for deep-sea shrimps. As regards the discard plan, the Member States under the High regional group PESCAMED (IT, FR and ES) are proposing to keep the discard plan for small pelagic species in the area with no changes. She added that the Legal Service of the Commission will draft a consolidated delegated act for the discard plan for small pelagic species, and following article 15.7 of the CFP regulation, the Commission is empowered to draft the delegated plan. So, Member States had to address the Commission and send the updated scientific information on pelagic species to STECF, as the discard plan for pelagic species, which deadline was for this year. She was expecting to have meetings in June.

The HoU3 indicated that the information on the Strait of Sicily control activities would be included in the presentation of the Annual Report. He acknowledged the problem of the Egyptian fleet without prejudice of others problems in the area. He said that after the first year of the pilot project, improvements were made, but progress should continue. In addition, now there is a Mediterranean Joint Control Plan to implement in the following years

The BISAC representative explained that more should be done in terms of transposition of the Control Regulation 1224/2009 in their region. He also pointed out that they were confronted with situations of an increase in auxiliary boats, which are not in the fleet register but are doing some catches. He also expressed their wish for national authorities to take more on board the recommendations from the BISAC.

The HoU3 apologised for not being able to attend the last AC meeting in February and highlighted the good cooperation with Bulgaria and Romania for the first year of implementation of the JDP. He proposed to organise a joint meeting with the national authorities and the AC.

EFCA ED also express EFCA's availability for a joint meeting with them and the relevant authorities.

The representative of the LDAC updated about the following points:

- Completion of the second phase of their performance review. In the section on its work with EFCA, interviews were performed by the consultant to EFCA ED and HoU3. The quality of the partnership was ranked by the consultant as "green" in the traffic light system.
- Continuation of the follow up of the Control Regulation dossier under the priorities of the Croatian Presidency. The LDAC keeps promoting an increased role of EFCA in the International Dimension of the CFP. In particular EFCA could play a decisive role in the technical specifications and coordination of pilot projects on IT tools related to MCS, such as verification and cross-checking of electronic catch certificate (I-CATCH) or alerts and mutual assistance between MS; in the fight against IUU by promoting regional SCIPS/JDPs in areas such as the Gulf of Guinea or the Indian Ocean, and in training of inspectors and control authorities from third countries linked to the sectoral support of the SFPAs.
- Follow up on developments on REM (remote electronic monitoring). He asked if REM was considered also for all EU fisheries including activity of EU vessels in the high seas.
- On the implementation of the Sustainable Management of the EU External Fishing Fleet (SMEFF) (EU) Regulation 2017/2403, the launch of the EU public database register for fishing authorisations would contribute to achieve more transparency and should be fully and regularly populated.
- Ongoing work on an opinion based on MAC advice on level playing field between the EU Distant Water Fleet and third countries in areas linked to the CFP international dimension.
- An EFCA representative provided an update (via Skype) on the state of play of the project and EFCA's involvement at the Annual Coordination Meeting between the LDAC and COMHAFAT held in early February in Rabat.
- In the framework of the EU H2020 Project FARFISH, as part of its Management Recommendation for the South West Atlantic (ASW – FAO 41), two main outputs are coming up which could count with a role from EFCA: a methodology for cross checking VMS and AIS and provide visualisation tool maps and a template for a regional control programme for international fleets in the area.
- two forthcoming events: 1) the UN Ocean Governance conference from 2 to 6 June 2020 in Lisbon, with the Annual Farfish meeting on that same week so perhaps EFCA could attend and 2) the LDAC-COMHAFAT Regional workshop on implementation of SFPAs in third countries, to which EFCA may be invited to participate as expert or panellists in one of the round tables. The meeting was expected to take place in spring but due to the COVID-19 outbreak, it will be adjourned until further notice.

The HoU3 thanked for the support and request for additional resources for EFCA, in case activities are extended. Regarding the project PESCAO, EFCA's role is that of technical assistance, supporting the regional organisations, the Sub-Regional Fisheries Commission (SRFC/CSRP) and the Fisheries Committee for the West Central of Gulf of Guinea (FCWC/CPCO), EFCA is happy of further presenting the work in this area. Also, EFCA is glad to assist in the framework of the FARFISH project.

EFCA ED explained that on the EFCA's website, there are published the Technical guidelines and specifications for the implementation of REM in EU fisheries. They are applicable both for international and EU waters. He also pointed out the outstanding issue of recognition of tropical species, and that some work in this field could be developed with the LDAC.

The LDAC representative commented he would go back to its members on this issue.

The HoU2 complemented the information on REM saying that, EFCA in cooperation with the Scheveningen Control Expert Group, is preparing a joint regional pilot project for the implementation of REM. The project aims to be delivered in September. He also acknowledged that REM could be a requirement for access to UK waters for 2021 if an agreement is settled.

The MAC representative commented that COVID-19 is interrupting their activities too and that the fishing industry sent a letter to the Commissioner requesting to inform EU citizens that it is safe and healthy to consume fish.

He summed up the following items:

- On the control regulation, work is ongoing with the European Parliament. Their advice on Level Playing Field was circulated and comments were received from the European Commission on March. The Commission reminded that the level playing field is already achieved through the work of the Regional Fisheries Management Organisations and that the Commission is already part of the compliance committee of these RFMOs, also to ensure that Member States apply the legislation in the same way.
- On the catch certification scheme, the EC took note of the MAC advice and committed to work to strengthen the IMO number. The Commission agreed with the MAC on the disparity across the Member States on the catch registry, the reason why they are proposing the e-catch.
- On the Sustainable Management of the External Fishing Fleet (SMEFF), the MAC highlighted some implementation issues. The COM noted that the implementation of the SMEFF regulation only began in January 2018 and that Member States are still in the building-up phase. The Commission intends to continue working with Member States to ensure continuous verification of the sustainability of the fisheries authorised under direct authorisations, or in the high seas. Different tools will be used in that respect, including audits.
- In the Mediterranean, there is a difference on how red bream minimum sizes are regulated between the European Union and Morocco. MAC is also concerned about China. The Commission advised to work with China on fighting IUU fishing.
- With regard to the implementation of the FAO Voluntary Guidelines for Catch Documentation Scheme (CDS), the COM explained their strong support to the work of FAO to assist States and RFMOs in developing, reviewing, harmonising and implementing Catch Documentation Schemes. The EU will also host the third meeting of the Parties to the FAO Port State Measures Agreement in Brussels in November-December 2020. This will be the first review meeting for this agreement.

- There is a recent public consultation on updated negotiated guidelines for future Economic Partnership Agreements with ACP countries. The MAC recommended the EU to strengthen provisions on sustainability.

The HoU3 explained that one of the most important objectives of EFCA is the achievement of a level playing field. EFCA participates in the implementation of the legislation within the RFMOs. Control is important in this regard.

The AAC representative informed the Commission will review its Strategic Guidelines for Sustainable Aquaculture this year. They will be presented by the Commission in September 2020. This is a key piece of EU legislation for the EU aquaculture stakeholders. Therefore, the AAC submitted two recommendations about these future Guidelines. Among the recommendations given, some may be of interest for EFCA: the AAC requests to establish a level playing field for EU aquaculture products in relation with the imports, (for instance, by ensuring that the farming requirements are included in the auditing schemes for imports).

They also issued an advice on the control regulation, asking for the creation of a specific register for aquaculture vessels in order to gather more knowledge about the importance of the sector at the EU level, secondly, pointing out some contradictory rules about batches, and thirdly, for having more control in beach recreational fisheries. There was a minority statement in the advice about the two last points of the recommendation.

EFCA ED explained EFCA is helping the Commission in the evaluation mission under the Regulation to fight IUU fishing. On the monitoring, control and surveillance of recreational fisheries, EFCA planned to have a workshop in May 2020, but it will be postponed.

The PELAC representative updated on their recent activity, referring first to the lack of financial resources to engage in scientific projects:

- The implementation of the LO was a problem and they will start providing recommendations for choke mitigation.
- In relation to the focus group on Control, recommendations have been put forward on the European Commission proposal.
- Data collection has been organised to include western horse mackerel.
- The AC held a working group on plastic in January 2020

He mentioned that Brexit was still a concern. PELAC is also worried about the Compliance Evaluation of mackerel fisheries, as would like EFCA to reveal the full report before the adoption of any measures. It is felt there was a lack of transparency in the process.

HoU2 thanked PELAC for facilitating the workshop in March in the Netherlands. He explained that the Compliance Evaluation report was requested by Member States. The idea was to have a report for control authorities, but then the High Level Group asked to publish an executive summary. The publication of the report was not meant to be public as Member States do not want to disclose sensitive control data. He pointed out the need of more substantial data and reference data when there is not hard data and to use the intelligence from the ACs. As some countries and some fleet segments may be moving into REM, there could be a stronger basis in deriving reference data for such analysis.

EFCA ED argued that the conclusions of the study on the control of the LO could not provide reasonable reassurance that industry is complying. It is also EFCA's impression from all data received. Looking at the EU New Green Deal and the EU commitment to the sustainable development goals, the LO should be complied with. EFCA has tried the gramm size approach and others, but they have all fallen short.

The NWWAC representative stated that they are not satisfied with the compliance evaluation of mackerel. PELAC will be writing to the Commission and the High Level Group to complain for the evaluation.

EFCA ED said that they keep the dialogue with the industry and that is why the meeting with the industry took place in Hague.

2. EFCA's Annual Report 2019, EFCA's Single Programming Documents (PD): SPD 2020 implementation and Draft SPD 2021

EFCA ED presented the main results of EFCA's Annual Report 2019:

- The new Specific Control and Inspection Programme (SCIP) Commission Implementing Decision introduced some new areas and species. Subsequently it was necessary to widen the scope of the JDPs which apply to all species subject to the LO and which cover the fishing activities of the Mediterranean and Eastern Atlantic, the Black Sea, Baltic Sea, North Sea and Western Waters of the Eastern Atlantic. EFCA effectively implemented, in cooperation with the Member States, these wider scope JDPs with the same resources as the previous year.
- Through the JDPs EFCA provided assistance to Member States and the European Commission in the area of control, inspection and surveillance. Specifically, the activity focused on joint coordination and enhancement of the potential of national enforcement services to apply the rules of the CFP in a uniform and effective manner. In 2019, the cooperative efforts led to 32 381 coordinated inspections, an increase in comparison to 2018 (26,922), and to 1 487 suspected infringements detected, an increase in comparison to 2018 (714).
- EFCA contributed to the work of the CEGs, focussing on the implementation of the LO, in particular on the Risk Assessment and Compliance evaluation. In response to a joint request from the North Sea (Scheveningen) and North Western Waters CEGs, EFCA finalised the compliance evaluation exercise focused on the LO and certain key species. The evaluation was performed over the period 2015-2017 for mackerel fisheries and over 2016-2017 for North Sea fisheries targeting cod, plaice and sole and for North-western waters (NWW) fisheries targeting haddock, hake and whiting. Similarly, in response to a request from the Baltic Sea Control Expert Group (BALTFISH), EFCA commenced a compliance evaluation exercise on the LO in the Baltic Sea in 2017 and 2018. Moreover, during the second half of 2019, EFCA worked with CEGs on the development of a REM pilot project template;
- EFCA used the framework of the JDPs to enhance the standardisation of inspections, in particular, last haul observation procedures during inspection at sea in all EU JDP areas. The publication of specific technical guidelines was another important milestone in EFCA's work for standardisation. Particularly, in 2019 EFCA finalised and published guidelines on REM and, in collaboration with Member States, on risk assessment and compliance indicators. To level the playing field, the secondment of EU inspectors to multinational inspection teams contributed to the standardisation of inspection procedures among Member States. More than 1000 staff from EU and non EU countries are now registered in the EFCA e-learning platform.
- EFCA also assisted the Commission in the cooperation with international organisations dealing with fisheries such as Regional Fisheries Management Organisations (namely, NAFO, NEAFC, ICCAT and GFCM), to strengthen operational coordination and compliance.
- In accordance with the MEDFISH4EVER Declaration, EFCA continued to cooperate with third countries in the Mediterranean to effectively promote a level playing field in the area. The JDP control activities in the Strait of Sicily were implemented in cooperation with Algeria, Tunisia and Libya. In the Black Sea, EFCA led an initiative in the framework of the

interagency cooperation, in order to support Bulgarian and Romanian authorities in their fisheries control activities.

- In the fight against IUU activities, EFCA assisted the European Commission with the analysis of 378 catch certificates and 122 processing statements for six third countries.
- In the framework of the five-year EU funded PESCAO project, including a component aiming to improve the fight against Illegal, Unregulated and Unreported (IUU) fishing activities in Western Africa, EFCA continued to provide technical assistance to the Sub-Regional Fisheries Commission (SRFC), the Fisheries Committee for the Western Central Gulf of Guinea (FCWC) and their member countries, in a coordinated manner, using the experience gained in the EU context. A report was drafted on the review of the SRFC and the FCWC member countries' national legal frameworks related to fisheries control and enforcement.
- Moreover, in the framework of PESCAO, EFCA organised three national trainings on fisheries control and inspection in the Republic of Guinea, Nigeria and The Gambia and two sub-regional courses for FMC operators were organised in Cabo Verde (for Cabo Verde and Guinea Bissau), and one in Abidjan, for Senegal, Guinea, Mauritania, Côte d'Ivoire, Benin and Togo. In addition, the SRFC organised three joint control campaigns during 2019 and EFCA supported all of them.
- In the framework of the European Coast Guard cooperation, the cooperation with Frontex and EMSA further developed in the area of capacity building with EFCA coordinating the overall drafting process of the Practical Handbook on European Cooperation on Coast Guard Functions. Moreover, EFCA has led the process to coordinate the follow-up by the three agencies of the European Coast Guard Functions Academies Network. In the field of Risk Assessment, the three agencies developed their own risk analysis frameworks within their mandate. Also, EFCA supported the third workshop of the European Coast Guard Functions Forum (ECGFF) on "Multipurpose Maritime Operations" (MMO) held in Catania, Sicily, Italy from 3 to 5 June 2019 and participated in the Coastex drill.
- EFCA's chartered OPV was operational for 308 days and provided a robust platform for fisheries inspections leading to a total of 247 inspections and 136 suspected infringements detected. Enhanced capacity sharing with EMSA enabled the EFCA chartered Offshore Patrol Vessel (OPV) Lundy Sentinel to be upgraded for multipurpose missions; to carry pollution response equipment as well as a Remotely Piloted Aircraft System (RPAS).
- EFCA's information systems enabled the collection of data from each Member State providing details of their fishing vessels, catches and other such information. Overall, EFCA was sent Electronic Reporting System-logbook data from 4564 vessels in 15 Member States and Vessel Monitoring System (VMS) data from different vessels, throughout all Member States. The volume of VMS messages received by the EFCA VMS was 39.2 million messages.
- EFCA promotes a policy of equal treatment aiming to have an optimal gender balance among its staff, including in the management. On 31 December 2019, the overall percentage of female staff members was 46%. The percentage of female staff members excluding Seconded National Experts (SNEs) was 43%. The percentage of female staff grade AD8 (administrator's function group, grade 8) or higher was 26%.

EFCA ED included in the presentation a summary on the draft Single Programming Document 2020:

- The multiannual programming is structured around six strategic multiannual objectives and four (formerly three) strategic areas. It keeps the legacy of 2019.
- The six strategic multiannual objectives were presented, as well as the four strategic areas and their relationship with the strategic multiannual objectives and the KPI.
- On the operational area, there are the following objectives:
 - o Implementation of JDPs and assistance to the Member States and the Commission in EU Waters and North Atlantic

- Implementation of JDPs and assistance to the Member States and the Commission in Mediterranean and the Black Sea
- Promotion of a risk management based approach and compliance evaluation
- Support the EU in the implementation of the external dimension of the CFP
- To strengthen compliance through the implementation of EU international projects (e.g. “Improved Regional fisheries governance in Western Africa (PESCAO)”) as regards fisheries monitoring, control and surveillance
- Improve capacities to implement fisheries control and support other coastguard functions

The draft SPD2021 mirrors the 2020 structure and objectives.

The LDAC representative asked about the results of the SFRC campaign in PESCAO and about the data collected from the RPAs on board the Lundy Sentinel.

The HoU3 replied that the PESCAO campaigns were somehow similar to the beginning of the JDPs 12 years ago and that now they are improving. It provides information to the multinational operational teams. The participation helps to understand also where the problems are to identify training needs.

On RPAS, he explained that Coast Guard authorities are promoting the use of RPAS, including for improving Fisheries Monitoring, Control and Surveillance (MCS) measures. EFCA OPV Lundy Sentinel deploys a very short range drone for monitoring the vessel prior to inspection for safety and security of the boarding team that comes alongside aboard a rigid hull inflatable boat (RHIB)

EFCA ED added that it is important to have this information and improve the safety of the boarding. It is also used by the Liaison Officer on Board to see how the fishing vessel behaves.

The NSAC representative asked about real time closure on the North Sea, which was in the Commission regulation for a long time. He asked if this could actually work irrespective of the cod situation. He also pointed out that the technical guidelines for REM seemed OK, but his concern was on the cost and the respect for GDPR rules.

EFCA ED responded that all Member States are adamant to cooperate within the Scheveningen group with UK. He also added that a prevailing concern for Member States was to take GDPR compliance very seriously as there cannot be any risk of litigation. The cost is foreseen to be assisted by the EMFF. The idea is not to look for expensive satellite connection 24/7, but rather something not costly but effective.

The NSAC representative asked if UK had completely left EFCA's work, to which the HoU2 clarified that in operational terms, it was fully cooperating with EFCA through ERS, EIR, etc. However, UK was not member anymore of any fora.

3. Rotation of the Advisory Board representative in the EFCA Administrative Board

EFCA HoP&C presented the current rotatory system as introduced in the last meeting. From 2 March 2020 to 1 March 2021, the AC representative to the Administrative Board meeting is BLSAC and the alternate, PELAC. The proposal had been accepted by the BISAC.

The BSAC representative pointed out they would like to ensure the knowledge passes from EFCA to ACs and asked about the possibility of another way of having representation at the Administrative Board.

EFCA ED explained that the Administrative Board was not in favour of having more members of the Advisory Board. However, the Advisory Board could make a proposal and it could be discussed again.

5. AOB

Following the exchange taken between EFCA's ED and the ACs in the Advisory Board meeting of October 2019, it was decided to explore in which ways ACs work towards EFCA could be more impactful. A reflection period could start so that new terms of reference can be discussed in the October 2020 meeting.